CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force		Discourt.	U.S.
Jean Paul Lozada		Squad #9	201609557		Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:		F	Precinct:	18	Mo. SOL	EO SOL
Tuesday, 11/15/2016 4:14 PM		§ 87(2)(b)			60	5,	/15/2018	5/15/2018
Date/Time CV Reported		CV Reported At:	How CV Reported	l:	Date/Time	Rece	eived at CC	RB
Wed, 11/16/2016 5:41 PM		CCRB	Call Processing System		Wed, 11/1	6/201	16 5:41 PM	I
Complainant/Victim	Type	Home Addre	ess		•			
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM William Dugan	03858	944524	PSA 1					
2. DTS Angelo Pizzarro	5111	937294	PSA 1					
3. POM Ronald Sanchez	03111	954315	PSA 1					
Witness Officer(s)	Shield No	o Tax No	Cmd Name					
1. POM Patrick Sanon	00269	949616	PSA 1					
2. POM Marc Altman	16289	952405	PSA 1					
Officer(s)	Allegatio	n			Inve	estiga	ator Recor	nmendation
A.DTS Angelo Pizzarro	Abuse: D	etective Angelo Pizzarı	ro stopped § 87(2)(b)					
B.POM William Dugan	Abuse: Po	olice Officer William D	Ougan stopped § 87(2)(t	0)				
C.POM William Dugan	Abuse: Po	olice Officer William D	Ougan searched § 87(2)	(b)				
D.POM William Dugan	Abuse: Po	olice Officer William D	Ougan frisked § 87(2)(b)					
E.POM Ronald Sanchez	Force: Po	lice Officer Ronald Sar	nchez used physical	forc	e			
F.POM Ronald Sanchez	Abuse: Po	olice Officer Ronald Sa	inchez threatened to	arre	st			
§ 87(2)(g), § 87(4-b)								

Case Summary

On November 16, 2016, \$87(2)(b) filed this complaint with the CCRB via the Call Processing System on behalf of himself and his friend, § 87(2)(b) On November 15, 2016, at approximately 4:14 p.m., DTS Angelo Pizzarro and PO William Dugan of Police Service Area 1 were at the PSA 1 stationhouse when they received a radio run for an attempted gunpoint robbery at §87(2)(b) in Brooklyn. DTS Pizzarro and PO Dugan left the stationhouse and were canvassing the \$87(2)(b) when they saw § 87(2)(b) ser(2)(b) enter the lobby of \$87(2)(b), and they believed they matched the description of the suspect. DTS Pizzarro and PO Dugan stopped \$87(2)(b) and \$87(2)(b) (Allegations A and B). DTS Pizzarro asked \$87(2)(b) if he had anything on him and \$87(2)(b) said he had marijuana. §87(2)(b) was subsequently placed under arrest for §87(2)(b) . Meanwhile, PO Dugan allegedly searched § 87(2)(b) s pockets and frisked him (Allegations C and D). A show-up was conducted with § 87(2)(b) the victim of the attempted gunpoint robbery, who stated that neither § 87(2)(b) nor § 87(2)(b) attempted to rob her. § 87(2)(b) was placed under arrest, was free to leave the scene. PO Dugan asked § 87(2)(b) and § 87(2)(b) identification so he could prepare a Stop, Question, and Frisk Report. §87(2)(b) attempted to walk away, however PO Ronald Sanchez of Police Service Area 1 allegedly pushed in his chest and told him that he could be taken to the stationhouse for refusing to provide his identification (Allegations E and F). § 87(2)(b) ■ handed his bank card to PO Dugan, who took down his information and then released him. § \$7(2)(b) was not placed under arrest or issued a summons as a result of this incident. Surveillance footage depicting the lobby and the rear of \$87(2)(b) was obtained from NYCHA. Snag-It copies of this footage have been placed below. Please note that the entirety of these videos can be viewed in IA#79 and #80, and can be found in Board Review 01 and 02. 201609557 20161229 1125 DM.mp4 201609557_20161229_1306_DM.mp4 Mediation, Civil and Criminal Histories This case was deemed ineligible for mediation due to the arrest of §87(2)(b)

- has filed a notice of claim asserting claims of "unlawful stop and frisk, false arrest, false imprisonment, assault, battery, intentional infliction of emotional distress, violations of the federal and state constitutions, and vicarious liability" and is seeking unspecified damages (Board Review 03).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which \$87(2)(b) and \$87(2)(b) are involved (Board Review 05).
- DTS Pizzarro has been a member of the NYPD for 12 years and is the subject of 15 prior CCRB allegations involving eight cases with no substantiated allegations (Board Review 06).

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- OTS Pizzarro was the subject of Abuse: Stop allegations in case numbers 200716084 (victim uncooperative), 201103748 (victim uncooperative), and 201510731 (complainant uncooperative).
- PO Dugan has been a member of the NYPD for nine years and is the subject of two prior CCRB allegations involving two cases with no substantiated allegations.

 [Board Review 07].
- PO Sanchez has been a member of the NYPD for four years and is the subject of one prior CCRB allegation involving one case with no substantiated allegations (Board Review 08).
 - o PO Sanchez was the subject of a Force: Physical Force allegation in case number 201503046. This allegation was closed as unsubstantiated.

Potential Issues

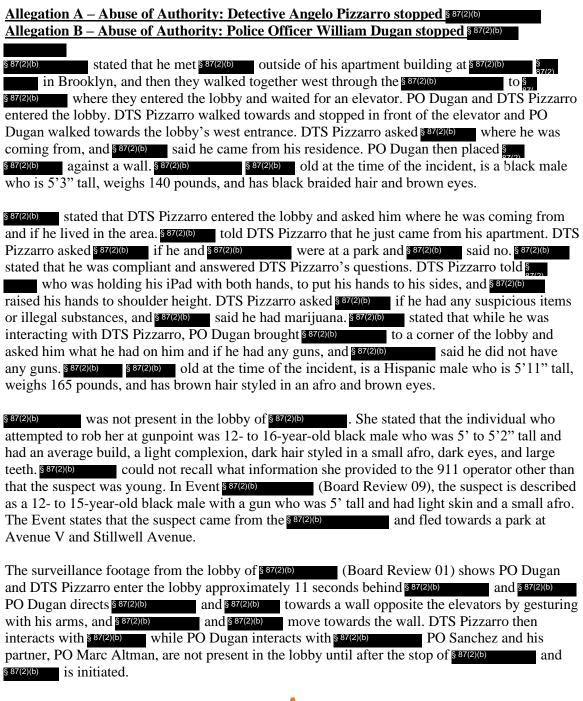
- The view of the rear of \$857(2)(b) as depicted by the NYCHA surveillance footage (Board Review 02) is too far away from the officers and \$87(2)(b) to clearly discern what is occurring at the scene. Although an officer can be seen raising his arm towards an individual at one point, no officer can be seen explicitly pushing \$87(2)(b) (see Allegation G).
- The recordings associated with Event were requested January 20, 2017 and will be added to the case file upon receipt.
- The Stop, Question, and Frisk Report prepared for structured with negative results. Stop, Question, and Frisk Report prepared for structured with negative results. Stop, Question, and Frisk Report for structured on January 11, 2017 that DTS Pizzarro prepared a Stop, Question, and Frisk Report for structured on January 13, 2017. DTS Pizzarro was interviewed on January 18, 2017, and structured on January 13, 2017. As such, this Stop, Question, and Frisk Report was not reviewed with DTS Pizzarro during his interview.

Findings and Recommendations

Allegations Not Pleaded

•	§ 87(2)(g)
•	stated that before he was frisked and searched, DTS Pizzarro asked him if he had anything on him and he replied that he had marijuana. \$87(2)(b) was ultimately charged with \$87(2)(b)
•	alleged that when his iPad was returned, he noticed that its corner was cracked and that the edges of its screen were chipped, but he did not see or know how this damage was sustained. § 37(2)(9)

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DTS Pizzarro stated that he heard over his radio that a robbery was in progress at §87(2)(b)
and that the radio run stated that the suspects were two males wearing dark clothing, one of whom
had an afro-shaped haircut. DTS Pizzarro noted that he did not recall most of the information in
the radio run at the time of this interview, including how the second suspect was described, the
details of the robbery, or whether there was any mention of a weapon. After canvassing for
approximately two minutes, DTS Pizzarro and PO Dugan noticed two males, later identified as
s 87(2)(b) and s 87(2)(b) who matched the description of the suspects that they received over
the radio. DTS Pizzarro did not recall exactly what they were wearing, but he noted that their
attire fit the description of the suspects. §87(2)(b) and §87(2)(b) were wearing dark clothing,
and \$87(2)(b) had an afro. \$87(2)(b) was a short black male who was wearing dark clothing.
DTS Pizzarro was unable to describe \$87(2)(b) and \$87(2)(b) further. When asked whether
DTS Pizzarro was unable to describe \$87(2)(b) and \$87(2)(c) and \$187(2)(c) and \$187(2)(c) and \$187(2)(c) are spersons or about their
behavior before initiating the stop, DTS Pizzarro stated that he only observed that they "fit the
description to a T." DTS Pizzarro noted that \$87(2)(b) and \$87(2)(b) were the only people in
the vicinity of \$87(2)(b) and that \$87(2)(b) was adjacent to \$87(2)(b) in the \$87(2)(b)
DTS Pizzarro stated that he and PO Dugan stopped \$87(2)(b) and \$87(2)(b)
respectively approximately 15 to 20 feet in front of \$87(2)(6) because they fit the description
of the suspects and were walking briskly. DTS Pizzarro stated that he and PO Dugan told
s 87(2)(b) and s 87(2)(b) who they were and why they were stopping them and asked them if they
could ask them a few questions. DTS Pizzarro and PO Dugan asked \$87(2)(b) and \$87(2)(b)
basic pedigree questions, where they were coming from, where they lived, and if they had any
weapons on their persons. DTS Pizzarro stated that he asked §87(2)(b) if he had any weapons,
and \$87(2)(6) told DTS Pizzarro that he had a knife in his pocket that he carried for his safety.
DTS Pizzarro had no inclination that \$87(2)(b) was armed or carrying a weapon before this point.
A Stop, Question, and Frisk Report prepared for Str(2)(b) by DTS Pizzarro (Board Review 10)
indicates that \$87(2)(b) was suspected of a gunpoint robbery and that he was stopped because he
matched a specific suspect description and was in proximity to the scene of a crime. In the section
in which he was asked to describe the circumstances that led to the stop, DTS Pizzarro wrote,
"Radio run of gunpoint robbery, defendant matched description of person wanted."
PO Dugan stated that the suspect of the gunpoint robbery was described by central dispatch as a
short, young black male with an afro, and the complainant stated that the suspect ran north, away
from the §87(2)(b) PO Dugan had no knowledge of any additional suspects being
described. PO Dugan stated that this was a "loose" or "spotty" transmission without full
information and that there was a language barrier between the complainant and the 911 operator,
but he was not completely sure. The information was not transmitted all at once; rather, portions
of it were transmitted "a little bit at a time." After canvassing the \$87(2)(b)
approximately one to two minutes, PO Dugan observed \$87(2)(b) and \$87(2)(b) enter the
rear of \$87(2)(b) PO Dugan described \$87(2)(b) as a black male approximately 5'4" to
5'6" tall and had a hoodie pulled over his head. S87(2)(b) wore dark clothing, but PO Dugan
did not recall what else he was wearing besides the hoodie. PO Dugan was unable to immediately
decipher how old \$87(2)(b) was because he was wearing his hood, but he appeared from a
distance to be young because he was short. PO Dugan also could not tell whether \$87(2)(b)
had an afro due to the hood. \$87(2)(6) was a 6' tall light-skinned Hispanic male with an afro-style
haircut. PO Dugan did not recall approximately how old \$87(2)(b) but he noted that "he wasn't
Page 5

in his thirties and he wasn't a child." PO Dugan did not recall what \$87(2)(b) was wearing. PO Dugan told DTS Pizzarro that \$87(2)(b) and \$87(2)(b) may be the suspects they were canvassing for. When asked why he believed they were the suspects, PO Dugan replied, "Combined, they fit the description." \$87(2)(b) appeared to fit the description more than \$87(2)(b) while DTS Pizzarro simultaneously approached \$87(2)(b) and they identified themselves as officers and moved \$87(2)(b) away from the main walkway. At this point, PO Dugan noticed that \$87(2)(b) was in his 20s. PO Dugan also noticed that \$87(2)(b) had braids, but he did not recall when he first made this observation or whether \$87(2)(b) removed his hood.
A Stop, Question, and Frisk Report prepared for \$\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac
An officer may stop and detain an individual if he or she has reasonable suspicion that the individual has committed, is committing, or is about to commit a crime (People v. DeBour, 40 N.Y.2d 210). Officers have reasonable suspicion to stop an individual based upon the contents of a radio broadcast providing a general description of the suspect if the individual matches the description of the suspect and is in close proximity to the scene of the crime, and if the passage of time between the commission of the crime and the observation of the suspect is short (People v. Holland, 4 A.D.3d 375). A vague or general description is not sufficient to constitute reasonable suspicion, even when there is some temporal proximity to the offense (People v. Dubinsky, 734 N.Y.S.2d 245). In People v. Dubinsky, officers received a description of two 15- to 16-year-old white males in dark black or blue jackets who had just committed a robbery. The officers stopped one white male who was walking alone and towards the scene of the robbery six blocks away, and the court ruled that the officers lacked the reasonable suspicion necessary to stop this individual. See Board Review 12.
§ 87(2)(g)

§ 87(2)(g)
§ 87(2)(g)
Allegation C – Abuse of Authority: Police Officer William Dugan searched 887(2)(6)
Anegation C – Abuse of Authority. I once Officer william Dugan searched
stated that PO Dugan entered his coat and pants pockets before frisking him. stated that PO Dugan entered the pockets on stated that PO Dugan entered the pockets on stated that PO Dugan did not recall whether he entered any of stated that prepared for stated that PO Dugan (Board Review 11) indicates that stated that prepared for stated that PO Dugan (Board Review 11) indicates that stated that prepared for stated that propagation and pants pockets before frisking him. stated that propagation propagation is pockets. The Stop, Question, and Frisk Report prepared for stated that propagation propagation is pockets.
The surveillance footage from the lobby of \$87(2)(b) and making physical contact with him. However, \$87(2)(b) and PO Dugan are standing directly underneath the camera at this time, and PO Dugan's hands are either obscured by \$87(2)(b) so body or out of the frame. PO Dugan cannot be seen in this footage entering any of \$87(2)(b) so pockets. The footage reveals that PO Sanchez and PO Altman do not enter the lobby of \$87(2)(b) until after PO Dugan's frisk of \$87(2)(b) is complete.
§ 87(2)(g)
•
Allegation D – Abuse of Authority: Police Officer William Dugan frisked § 87(2)(b)
stated that PO Dugan placed him against a wall and patted down his legs, lower back, and stomach after searching his pockets.
stated that while he was interacting with DTS Pizzarro, PO Dugan brought stated to a corner of the lobby and asked him what he had on him and if he had any guns, and Page 7

said he did not have any guns. said he did not have any guns and said he did not have any guns. said he did not have any guns and said he did not have any
In the surveillance footage from the lobby of (Board Review 01) PO Dugan turns around, places him against the wall, and frisks the area of his torso and waistband. is underneath the camera's lens at this point and PO Dugan's hands cannot be seen while he is frisking (87(2)(b)
PO Dugan stated that he did not observe anything on \$87(2)(b) s person before frisking him. PO Dugan told \$87(2)(b) that he was going to frisk him to make sure he did not have any weapons. He ordered \$87(2)(b) to place his hands against the wall and \$87(2)(b) complied. PO Dugan frisked \$87(2)(b) from his shoulders, down to his waistband, and then down to his ankles. PO Dugan stated that there was no reason to frisk \$87(2)(b) aside from the information contained in the radio run, the speed at which he was walking ("faster than walking pace, but not a full run"), and his proximity to the location of the robbery. PO Dugan found no objects on \$87(2)(b) s person.
A Stop, Question, and Frisk Report prepared for \$87(2)(b) by PO Dugan (Board Review 11) states that PO Dugan frisked \$87(2)(b) because he suspected that \$87(2)(b) had committed a violent crime. In the section in which he was asked to describe the circumstances that led to the frisk, PO Dugan wrote, "Suspected gunpoint robbery. Performed frisk of waistband area as well as arms."
When asked whether he had any suspicion that \$87(2)(b) was armed, DTS Pizzarro replied that he did not deal directly with \$87(2)(b) DTS Pizzarro was not aware of \$87(2)(b) being frisked. Neither PO Sanchez nor PO Altman were present in the lobby while \$87(2)(b) was bring frisked.
In order to frisk an individual, an officer must have reasonable suspicion to believe that the individual is armed (<u>People v. DeBour</u> , 40 N.Y.2d 210 – Board Review 12).
§ 87(2)(g)

Allegation E – Force: Police Officer Ronald Sanchez used physical force against [3072][5] Allegation F – Abuse of Authority: Police Officer Ronald Sanchez threatened to arrest stated that after § 87(2)(b) told the officers that he was not the suspect of the attempted gunpoint robbery, an officer had told him that he was free to leave. §87(2)(b) asked PO Dugan for his name and shield number and PO Dugan recited this information verbally PO Dugan then allegedly said, "Now, since you got my information, I'll need your information," and asked \$87(2)(b) for his identification. \$87(2)(b) walk away, and PO Sanchez allegedly pushed him once in his chest without issuing any commands beforehand. PO Sanchez said, "We can do this the easy way or the hard way." asked what the "hard way" was and PO Sanchez told \$87(2)(b) that he would be taken to the stationhouse for refusing to provide his information. \$87(2)(b) then handed his bank card to PO Dugan, who recorded \$87(2)(b) s information and then released him. § 87(2)(b) stated that § stumbled back slightly from PO Sanchez's push but did not fall. § 87(2)(b) stated that no officer pushed \$87(2)(b) and that she did not hear any officer tell that he would be taken to a stationhouse if he did not provide identification. However, § 87(2)(b) noted that she stopped paying attention to what was happening outside of the police vehicle that she was seated in once the show-up was concluded. At 06:09, the surveillance footage from the rear of \$87(2)(b) (Board Review 02) shows a is standing. At the uniformed officer extending his arm towards the area where \$87(2)(b) is surrounded by three officers, and the camera's view of \$87(2)(6) obstructed by PO Dugan (PO Dugan identified himself in this footage and stated that he is standing between § 87(2)(b) and the camera). 201609557_20161229_1306 DM.mp4 PO Sanchez did not recall whether any officer asked for \$37(2)5 negative show-up. PO Sanchez stated that he did not push or make physical contact with PO Sanchez did not recall saying, "We can do this the easy way or the hard way," and stated that he did not tell \$87(2)(b) that he could be taken to the stationhouse for not producing his identification. PO Sanchez denied threatening to arrest \$87(2)(b) PO Sanchez did not recall taking any police action at the scene and did not recall whether he interacted with \$87(2)(b) PO Sanchez was shown a photograph of \$87(2)(b) looked familiar, but he was unable to say with certainty whether was the male who was stopped and released. PO Dugan initially stated that §87(2)(b) was still stopped by the officers when his identification was requested, but he later stated that \$87(2)(b) was free to leave the scene after the show-up was conducted with negative results. PO Dugan had no recollection of Page 9

of any other offi PO Sanchez pus PO Dugan had r stationhouse for point. PO Dugan	ching \$87(2)(b) in ho knowledge of PO San not providing his ident and did not know why the	for his identification. PO his chest or making physical nchez telling \$87(2)(b) ification or threatening to an individual in the footage frowhat was happening at this	Dugan had no knowledge contact with \$87(2)(b) that he could be taken to rest \$87(2)(b) at any om the rear of \$87(2)(b)	e of the
	nether § 87(2)(b) w	y officer asked § 87(2)(b) o officer pushed § 87(2)(b) as told that he could be take	for his identification af in his chest. DTS Pizzon to the stationhouse for n	zarro
observe any officer push \$87(2	cer speak to \$87(2)(b) and he did	outside of \$87(2)(b) not know whether \$87(2)(b) provide his identification.	PO Sanon did not see a was told that he cou	ny
§ 87(2)(g)				
§ 87(2)(g), § 87(4-b)				
Squad: 9				
Investigator: _	Signature	Print	Date	
Squad Leader: _	Title/Signature	Print	Date	
Reviewer: _	Title/Signature	Print	Date	